

Introduced by

1 A BILL for an Act

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**3 **SECTION 1. AMENDMENT.** Section 4-19-01 of the North Dakota Century Code is amended
4 and reenacted as follows:5 **4-19-014.1-21-01. State forester - Appointment - Qualifications - Duties.**

6 The board of higher education shall appoint the state forester.

7 1. The state forester must be a graduate of an accredited school of forestry with a
8 minimum education of a bachelor of science degree in forestry. The office of the state
9 forester must be located in Bottineau. The state forester shall serve as the director of
10 the state forest service and, subject to the approval of the board of higher education
11 and the president of North Dakota state university, may employ assistants and secure
12 office facilities and equipment necessary for the administration of this chapter and the
13 performance of the powers and duties of the office.

14 2. The state forester shall:

15 a. ~~Have general supervision of~~Supervise the raising and distribution of seeds and
16 forest tree planting stock as provided in this chapter.17 b. Promote practical forestry, and compile and disseminate information relative to
18 practical forestry to landowners, community groups, schools, and other
19 organizations interested in forestry.

20 c. Encourage the development, use, and wise stewardship of forest resources.

21 d. Provide assistance to landowners, producers, and public bodies relating to
22 forestry, reforestation, protection of forest resources, prevention and suppression
23 of fires, planting of trees and shrubs, and the growing, harvesting, marketing, and
24 management of forest resources.

1 **SECTION 2. AMENDMENT.** Section 4-19-02 of the North Dakota Century Code is amended
2 and reenacted as follows:

3 **4-19-024.1-21-02. State nursery - Maintenance - Purpose.**

4 A state nursery, under the direction of the state forester, must be maintained at Towner. The
5 nursery shall propagate seeds and forest tree planting stock adapted to the climatic conditions
6 of this state.

7 **SECTION 3. AMENDMENT.** Section 4-19-01.3 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4-19-01.34.1-21-03. Powers - Cooperative state agreements.**

10 Under the general supervision of the board of higher education, the state forester is-
11 authorized to may:

- 12 1. Establish procedures for the administration of this chapter.
- 13 2. Provide grants to, and enter into cooperative agreements with, public and private
14 entities for purposes consistent with this chapter.
- 15 3. Establish councils to advise the state forester on the administration of this chapter.

16 **SECTION 4. AMENDMENT.** Section 4-19-01.2 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **4-19-01.24.1-21-04. State forester reserve account.**

19 The state forester reserve account is established as a special account in the state treasury.
20 All moneys received for charges in excess of the cost of production of seedlings from the state
21 nursery must be deposited in the reserve account. The state forester may use the reserve
22 account within limits of legislative appropriations for expenses relating to nursery seedling
23 losses or other unanticipated events requiring additional funding as determined necessary by
24 the state forester. If the balance of the state forester reserve account exceeds one million
25 dollars, charges for state nursery seedlings must not exceed estimated production costs until
26 the account balance is less than seven hundred thousand dollars, at which time the state
27 forester may charge one hundred ten percent of production costs.

28 **SECTION 5. AMENDMENT.** Section 4-19-03 of the North Dakota Century Code is amended
29 and reenacted as follows:

1 **4-19-034.1-21-05. Distribution of seeds and planting stock.**

2 Seeds and planting stock from the state nursery may be distributed by the state forester to
3 citizens and landowners of this state upon payment by them of a price not greater than one
4 hundred ten percent of the cost to the state of production in the case of planting stock or
5 collection in the case of seeds, and the cost of transportation from the nursery. The seeds and
6 planting stock may be used to establish or reestablish forests, windbreaks, shelterbelts, living
7 snow fences, farm woodlots, Christmas tree plantings, wildlife habitats, and other conservation
8 tree plantings, and for erosion control and water quality management.

9 **SECTION 6. AMENDMENT.** Section 4-19-05 of the North Dakota Century Code is amended
10 and reenacted as follows:

11 **4-19-054.1-21-06. State forester may accept land for forestry purposes.**

12 The state forester may accept gifts, donations, or contributions of land suitable for forestry
13 purposes and may enter into agreements for acquiring, by lease, purchase, or otherwise, such
14 lands as in the state forester's judgment are desirable for state forest purposes.

15 **SECTION 7. AMENDMENT.** Section 4-19-06 of the North Dakota Century Code is amended
16 and reenacted as follows:

17 **4-19-064.1-21-07. Obligations incurred in acquiring land - How paid.**

18 Obligations incurred by the state forester in the acquisition of land under ~~the provisions of~~
19 this chapter must be paid solely and exclusively from revenues derived from such land, and
20 may not impose any liability upon the general credit and taxing power of the state.

21 **SECTION 8. AMENDMENT.** Section 4-19-07 of the North Dakota Century Code is amended
22 and reenacted as follows:

23 **4-19-074.1-21-08. Powers of state forester when lands acquired or leased.**

24 When lands are acquired or leased under section ~~4-19-054.1-21-06~~, the state forester may
25 make expenditures from any funds not otherwise obligated for the management, development,
26 and utilization of such areas. The state forester may provide recreational services within those
27 areas and may charge a user fee in an amount sufficient to cover the cost of providing such
28 services. The state forester may sell or otherwise may dispose of products from such lands and
29 may make necessary rules and regulations to carry out the purposes of this chapter.

30 **SECTION 9. AMENDMENT.** Section 4-19-08 of the North Dakota Century Code is amended
31 and reenacted as follows:

1 **4-19-084.1-21-09. Revenue received from lands acquired or leased - Regulations**
2 **governing - Payments in lieu of taxes.**

3 All revenues derived from lands acquired or leased under ~~the provisions of this chapter~~
4 must be segregated by the state treasurer for the use of the state forester in the acquisition,
5 management, development, and use of such lands; ~~provided, however, that.~~ However, from
6 those revenues derived from agricultural leases there must be paid over to the governing body
7 of the county in which those lands are located, an amount sufficient to cover the loss of tax
8 revenues, if any, resulting from such acquisition or lease.

NOTE: In most provisions for payments in lieu of taxes, it is provided that the county
allocate the payments to taxing districts in which the land is located.

9 **SECTION 10. AMENDMENT.** Section 4-19-09 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **4-19-094.1-21-10. State forester may sell, exchange, or lease lands acquired.**

12 The state forester may sell, exchange, or lease lands under the state forester's jurisdiction
13 when in the state forester's judgment it is advantageous to the best orderly development and
14 management of state forests and state parks, except ~~that~~ any sale, lease, or exchange may not
15 be contrary to the terms of any contract ~~which~~that the state has entered into.

16 **SECTION 11. AMENDMENT.** Section 4-19-10 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **4-19-104.1-21-11. Agreements for shelterbelt lands by state.**

19 Any board or officer having the control or management of any real estate belonging to or
20 controlled by this state or any of its political subdivisions may enter ~~into~~ agreements with the
21 officers and agents of the United States for the improvement by the United States of any of said
22 lands by the establishment and maintenance thereon of shelterbelts composed of trees, other
23 plants, and necessary protective structures and works. Every such agreement must describe
24 particularly the land to be covered by the shelterbelt, must be recorded at the expense of the
25 United States in the county where such land is situated, and thereafter all leases, sales, and
26 other disposition of such land are subject to such agreement.

27 **SECTION 12. AMENDMENT.** Section 4-21.2-01 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **4-21.2-014.1-21-12. Trees for North Dakota program and trust fund.**

2 The trees for North Dakota program is created for the public purpose of strengthening the
3 tradition of tree planting and management in this state.

4 A special fund known as the trees for North Dakota program trust fund is established in the
5 state treasury. Income earned on moneys in the fund must be credited to the fund. The state
6 forester shall deposit all program funds received from governmental and private sources in the
7 trust fund. Program funds may be expended for direct costs or distributed for grants and
8 contracts by the state forester within the limits of legislative appropriations for defraying the
9 costs associated with execution of the trees for North Dakota program.

10 Any political subdivision of the state may provide financial aid or supportive services to the
11 trees for North Dakota program.

NOTE: It appears the contents of Chapter 4-21.2 can be consolidated in a single section of
 the new Chapter 4.1-21.

12 **SECTION 13. AMENDMENT.** Section 4-21.2-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **~~4-21.2-02. Trees for North Dakota program trust fund.~~**

15 ~~A special fund known as the trees for North Dakota program trust fund is established in the~~
16 ~~state treasury. Income earned on moneys in the fund must be credited to the fund. The state~~
17 ~~forester shall deposit all program funds received from governmental and private sources in the~~
18 ~~trust fund. Program funds may be expended for direct costs or distributed for grants and~~
19 ~~contracts by the state forester within the limits of legislative appropriations for defraying the~~
20 ~~costs associated with execution of the trees for North Dakota program.~~

21 ~~The state treasurer shall transfer all funds in the centennial trees program trust fund to the~~
22 ~~trees for North Dakota program trust fund.~~

NOTE: 2001 Senate Bill No. 2122 amended this chapter. It created the Trees for North
 Dakota program trust fund and eliminated the Centennial Trees program trust fund. The bill
 also created an income tax checkoff for donations to the Trees for North Dakota program
 trust fund. The transfer of funds directed by this section was completed, so the final
 sentence is not needed.

23 **SECTION 14. AMENDMENT.** Section 4-21.2-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **~~4-21.2-03. Authority for local governments to participate.~~**

26 ~~Any political subdivision of the state may provide financial aid or supportive services to the~~
27 ~~trees for North Dakota program.~~